

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOSEPH ANTONELLI,

Petitioner,

v.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:24-cv-00351-RFB-BNW

**ORDER**

Joseph Antonetti submitted a *pro se* 28 U.S.C. § 2254 habeas corpus petition ECF No. 4 and has now complied with the Court's order to update his address. The Court has conducted a preliminary review of the petition under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts and directs that it be served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2244(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

**IT IS THEREFORE ORDERED** that the Clerk of Court electronically SERVE the petition (ECF No. 4) on respondents.

**IT IS FURTHER ORDERED** that the Clerk add Aaron D. Ford, Nevada Attorney General, as counsel for respondents and provide respondents an electronic copy of all items previously filed in this case by regenerating the Notice of Electronic Filing to the office of the AG only.

1           **IT IS FURTHER ORDERED** that the petitioner's motion to reconsider (ECF No. 12) is  
2 **DENIED** as moot.

3           **IT IS FURTHER ORDERED** that respondents file a response to the petition, including  
4 potentially by motion to dismiss, within **90 days** of service of the petition, with any requests for  
5 relief by petitioner by motion otherwise being subject to the normal briefing schedule under the  
6 local rules. Any response filed is to comply with the remaining provisions below, which are entered  
7 pursuant to Habeas Rule 5.

8           **IT IS FURTHER ORDERED** that any procedural defenses raised by respondents in this  
9 case be raised together in a single consolidated motion to dismiss. In other words, the court does  
10 not wish to address any procedural defenses raised herein either in seriatum fashion in multiple  
11 successive motions to dismiss or embedded in the answer. Procedural defenses omitted from such  
12 motion to dismiss will be subject to potential waiver. Respondents should not file a response in  
13 this case that consolidates their procedural defenses, if any, with their response on the merits,  
14 except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking merit. If  
15 respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a) they will do so within  
16 the single motion to dismiss not in the answer; and (b) they will specifically direct their argument  
17 to the standard for dismissal under § 2254(b)(2) set forth in Cassett v. Stewart, 406 F.3d 614, 623-  
18 24 (9<sup>th</sup> Cir. 2005). In short, no procedural defenses, including exhaustion, should be included with  
19 the merits in an answer. All procedural defenses, including exhaustion, instead must be raised by  
20 motion to dismiss.

21           **IT IS FURTHER ORDERED** that, in any answer filed on the merits, respondents  
22 specifically cite to and address the applicable state court written decision and state court record  
23 materials, if any, regarding each claim within the response as to that claim.

24           **IT IS FURTHER ORDERED** that petitioner has **45 days** from service of the answer,  
25 motion to dismiss, or other response to file a reply or opposition, with any other requests for relief  
26 by respondents by motion otherwise being subject to the normal briefing schedule under the local  
27 rules.  
28

1           **IT IS FURTHER ORDERED** that any additional state court record exhibits filed herein  
2 by either petitioner or respondents be filed with a separate index of exhibits identifying the exhibits  
3 by number. The parties will identify filed CM/ECF attachments by the number or numbers of the  
4 exhibits in the attachment.

5           **IT IS FURTHER ORDERED** that, at this time, the parties send courtesy copies of **any**  
6 **responsive pleading or motion and all INDICES OF EXHIBITS ONLY** to the Reno Division  
7 of this court. Courtesy copies shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV,  
8 89501, and directed to the attention of “Staff Attorney” on the outside of the mailing address label.  
9 **No further courtesy copies are required unless and until requested by the court.**

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11           **DATED:** July 21, 2025

A handwritten signature in black ink, consisting of a stylized 'R' and 'B' intertwined.

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**RICHARD F. BOULWARE, II**  
**UNITED STATES DISTRICT JUDGE**